

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARGARET HAULE,
Plaintiff

v.

THE CITY OF AUSTIN, TEXAS AND
ELIZABETH CARY CLERICO GRACE,
Defendants

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CIVIL ACTION NO. 1:18-cv-707

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, the City of Austin and Elizabeth Cary Clerico Grace, defendants in the above entitled and numbered cause and file this Notice of Removal, pursuant to 28 U.S.C. § 1441(a), 1443, and 1446(b)(1) as follows:

1. This is a removal of Cause No. D-1-GN-18-003628 filed in the 261st Judicial District Court of Travis County, Texas. Attached hereto as Exhibit 1 are true and correct copies of the following documents, which constitute all documents filed of record in the State District Court:

- A. Copy of Travis County District Clerk's docket sheet;
 - B. Plaintiff's Complaint, filed 07/18/2018;
 - C. Statement of Inability to Afford Payment of Court Costs or An Appeal Bond in Justice Court, filed 07/18/2018;
 - D. Service Request Form, filed 07/18/2018;
 - E. Citation issued to City of Austin, filed 07/20/2018;
 - F. Citation issued to Elizabeth Cary Clerico Grace, filed 07/20/2018;
 - G. Return of Service of Citation to Elizabeth Cary Clerico Grace, filed 07/31/2018;
- and

H. Return of Service of Citation to City of Austin, filed 07/31/2018.

2. Simultaneous with the filing of this Notice of Removal, Defendants will file a copy of the notice with the Clerk of the 261st Judicial District Court of Travis County, Texas.
3. The above-referenced action is a claim governed by federal law since the Plaintiff alleges claims under 42 U.S.C. §§ 1981, 1983 and 1988, and violations of the Fourth and Fourteenth Amendments to the United States Constitution. This case, therefore, poses federal questions subject to removal under 28 U.S.C. §1331 and §1441(a).
4. On July 24, 2018, Defendants the City of Austin and Elizabeth Cary Clerico Grace were first served with the complaint stating these claims under federal law. This notice of removal is filed within thirty (30) days of that date and is, therefore, timely under 28 U.S.C. §1446(b).
5. This action is being removed to the District Court of the United States for the district and division embracing the place where the state court action is pending.
6. The City of Austin and Elizabeth Cary Clerico Grace are the only named defendants and have consented to removal.
7. As evidenced by the certificate below, Defendants have served Plaintiff with a copy of this notice.

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request that this case be removed from the 261st Judicial District Court of Travis County, Texas to the United States District Court for the Western District of Texas, Austin Division; and that the United States District Court issue such notices and orders necessary to bring before it all proper parties, and such other orders and notices as may be authorized by law.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANTS

CITY OF AUSTIN AND

ELIZABETH CARY CLERICO GRACE

CERTIFICATE OF SERVICE

This is to certify that on August 20, 2018, a true and correct copy of the above and foregoing document was filed via the Court's ECF/CM system, which will serve a copy on plaintiff by first class mail and certified mail, return receipt requested as follows:

Margaret Haule

3405 Texas Topaz Drive

Austin, Texas 78728

Via CM/RRR 7017 3040 0000 1399 7981

& First Class Mail



CLARK RICHARDS